



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং 632 দিশপুৰ, শুক্ৰবাৰ, 16 ছেপ্টেম্বৰ, 2022, 25 ভাদ, 1944 (শক)

No. 632 Dispur, Friday, 16th September, 2022, 25th Bhadra, 1944 (S. E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ELECTION DEPARTMENT : : DISPUR

**NOTIFICATION**

The 16th September, 2022

**No.ELE.323/2021/464.-** The order No. 76/AS-LA/1/2022/CEMS-I/Bye, Dated 30<sup>th</sup> August, 2022 of the Election Commission of India, is hereby published for general information.



**भारतनिर्वाचनआयोग**  
**ELECTION COMMISSION OF INDIA**

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001.

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 76/AS-LA/1/2022/CEMS-I/Bye

Dated: 30<sup>th</sup> August, 2022  
8 Bhadra, 1944 (Saka)

**ORDER**

**WHEREAS**, the Bye-Election to Legislative Assembly of Assam, 2021 for **41-Bhabanipur** Assembly Constituency was held in pursuance of the Election Commission of India Notification No.100/AS-LA/2/2021/NES-II, dated **01<sup>st</sup> October, 2021**; and

**WHEREAS**, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

**WHEREAS**, the result of the election for **41-Bhabanipur** Assembly Constituency of Assam, 2021 was declared by the Returning Officer on 02<sup>nd</sup> November, 2021 and hence the last date for lodging the account of Election Expenses was 02 December, 2021; and

**WHEREAS**, as per the report dated **29-11-2021** of the **DEO**, , under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961, received from the CEO, Assam vide his letter no. ELE.283/2021/82, dated 18.01.2022, **Shri Siben Das**, a contesting candidate from **41-Bhabanipur** Assembly Constituency of Assam, 2021 has failed to lodge account of election expenses, as required under law; and

**WHEREAS**, on the basis of the said report of the District Election Officer, a Show-Cause notice No. 76/AS-LA/1/2021/CEMS-I(Bye), dated 18<sup>th</sup> February, 2022 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Shri Siben Das**, for not lodging of account of Election Expenses; and

**WHEREAS**, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, **Shri Siben Das**, was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of election expenses with the District Election Officer, **Bajali** District within 20 days from the date of receipt of the notice; and

**WHEREAS**, the District Election Officer, **Bajali** District, has reported that the said notice was served to **Shri Siben Das**, on **01.03.2022**; and

**WHEREAS**, the CEO, Assam vide letter no **ELE.323/2021/433**, dated **10.08.2022** forwarded the District Election Officer, **Bajali**, Supplementary Report No. **BJEL-42/2021/35** dated **04.04. 2022** and reported that **Shri Siben Das**, has not submitted account of election expenses. Further, after receipt of the said notice, **Shri Siben Das**, has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and

**WHEREAS**, Section 10 A of the Representation of the People Act, 1951 provides that:—

*“If the Election Commission is satisfied that a person—*

*(c) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and*

*(d) has no good reason or justification for the failure,*

*the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”;*

**WHEREAS**, on the basis of facts and available records, the Commission is satisfied that **Shri Siben Das**, has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

**NOW, THEREFORE**, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Shri Siben Das, Vill.Bichankuchi, PO-Nityananda, PS-Patacharkuchi, Distt.Bajali, Assam, Pin-781329** and a contesting candidate in **41-Bhabanipur Assembly Constituency** of the State of Assam in the Bye-Election to the Legislative Assembly 2021 to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

**(SUJEET KUMAR MISHRA)**  
**SECRETARY**

To

**Shri Siben Das,  
Vill.Bichankuchi,  
PO-Nityananda,  
PS-Patacharkuchi,  
Distt.Bajali,  
Assam, Pin-781329,**

**NITIN KHADE,**  
Chief Electoral Officer, Assam,  
Dispur, Guwahati.